

Appln. No. 10/053,154

Attorney Docket No. 10541-868

II. Remarks

By this paper, Applicants are canceling claims 18 and 19. Therefore, after entering this amendment, claims 1-8 are currently pending.

Reconsideration and further examination of this application in view of the above amendments and the following remarks is therefore respectfully requested.

Allowable Subject Matter

Applicants gratefully acknowledge the allowance of Claims 1-8 and respectfully request that these claims be passed along to issuance.

Rejections under 35 USC §102(b)

The Examiner rejected claims 18 and 19 under 35 USC §103(b) as being anticipated by U.S. Patent No. 5,547,096 to *Kleyn* ("*Kleyn*"). The Examiner stated that a product-by-process claim covers the product which is recited by the claims and not the process steps which are recited. The Examiner further stated that the only structure that is claimed in claims 18 and 19 is a fuel tank.

By this paper, Applicants have cancelled claims 18 and 19, and therefore the Examiner's rejection should be withdrawn.

However, Applicants respectfully assert that the *Kleyn* does not disclose the structure implied by the process steps recited in previously-pending claims 18 and 19. The structure implied by process steps should be considered when assessing the patentability of product-by-process claims over the prior art, especially where the manufacturing process steps would be expected to impart distinctive structural characteristics to the final product. MPEP §2113.

Claim 18 previously recited the steps of bonding at least one exterior fitting component to a wall forming material, inserting an interior fitting component into the exterior portion of the exterior fitting component, and causing the wall forming material to extend into the exterior portion of the exterior fitting component. Therefore, the structure implied by the process steps in claim 18 included a three-layer structure having an exterior fitting component, an interior fitting component located within the exterior component, and a wall forming material located within the exterior fitting component.

-4-

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Kleyn does not disclose a three-layer structure as previously recited in claim 18. Rather, *Kleyn* discloses a gasket 34 and a filler neck 82 that arguably may be considered to be an exterior fitting component and an interior fitting component, respectively. (*Kleyn*, Fig. 2, col. 2, line 57 – col. 3, line 12). However, *Kleyn* does not disclose a third layer that may be considered to be the wall forming material located within the exterior fitting component as previously defined in claim 18. Therefore, Applicants respectfully assert that claim 18 was not anticipated by *Kleyn* before claim 18 was cancelled.

Claim 19 previously recited the steps of bonding at least one exterior fitting component to a wall forming material, inserting an interior fitting component into the exterior portion of the exterior fitting component, and causing the wall forming material to extend into the exterior portion of the exterior fitting component. Therefore, the structure previously implied by the process steps in claim 19 included a three-layer structure having an exterior fitting component, an interior fitting component located within the exterior component, and a wall forming material located within the exterior fitting component.

Kleyn does not disclose a three-layer structure as previously recited in claim 19. Rather, *Kleyn* discloses a gasket 34 and a filler neck 82 that arguably may be considered to be an exterior fitting component and an interior fitting component, respectively. (*Kleyn*, Fig. 2, col. 2, line 57 – col. 3, line 12). However, *Kleyn* does not disclose a third layer that may be considered to be the wall forming material located within the exterior fitting component as previously defined in claim 19. Therefore, Applicants respectfully assert that claim 19 was not anticipated by *Kleyn* before claim 19 was cancelled.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. The Examiner is

-5-



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invited to contact the undersigned attorney for the Applicants via telephone number (734) 302-6000, if such communication would expedite this application.

Respectfully submitted,



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-6-

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